

COMMUNICATION WITH NON-ENGLISH OR LIMITED-ENGLISH PROFICIENT, HEARING IMPAIRED, AND VISUALLY IMPAIRED INDIVIDUALS

Summary

Advocates for Basic Legal Equality (ABLE), Legal Services of Northwest Ohio, Inc. (LSNO), and their agents and employees shall provide at no cost accurate and timely language assistance and other effective communication assistance to Non-English Speaking or Limited-English Proficient (LEP) clients or potential clients and to clients or potential clients who have hearing or visual impairments. This assistance shall be provided only in connection with the case or legal matter in which legal representation is being provided. Within this context, ABLE and LSNO may also provide non-staff translation assistance to other individuals as needed to ensure that clients and potential clients receive high quality legal assistance. Both agencies shall seek to ensure that all clients and potential clients enjoy equal access to services and receive high quality legal assistance. The procedures outlined below will ensure that information is communicated to LEP, hearing impaired, and visually impaired individuals in a language that they understand.

Assessment of Need

ABLE and LSNO will identify the languages other than English that are most commonly encountered in each of their offices by estimating the number of LEP, hearing impaired, and visually impaired individuals who are eligible for services and are likely to be in need of legal assistance. To complete this assessment, ABLE and LSNO will:

- Review census data, aggregate data from client files, and, as needed, data from school systems, community agencies, and other organizations to identify non-English language needs;
- Identify the points of contact in the provision of services by ABLE and LSNO where clients and potential clients are most likely to need language assistance;
- Identify the resources that will be needed to provide effective language assistance;
- Identify the location and availability of these resources; and
- Identify the arrangements that must be made to allow clients and potential clients to access the resources in a timely fashion.

Procedure

Legal Aid Line of Northwest Ohio (LAL) shall have primary responsibility for identifying language and other communication assistance needs. LAL staff shall offer to provide an interpreter or other communication assistance to the client or potential client as needed. LAL staff shall document the needs of the LEP, hearing impaired, or visually impaired person and how LAL responded to those needs.

Other ABLE and LSNO advocates shall have secondary responsibility for identifying language and other communication assistance needs. Whenever such a need arises, ABLE and LSNO shall offer to provide an interpreter or other communication assistance to the client or potential client. The advocate shall document the needs of the LEP, hearing impaired, or visually impaired person and how ABLE or LSNO responded to those needs.

If an ABLE or LSNO staff interpreter is not available, or there is no staff interpreter available for a particular language or other communication need, staff members should contact the following interpreters for assistance:

Vietnamese Language Individuals	Ngoc Trinh at (419) 847-1873
Hearing Impaired Individuals	DEAFinitely IT, Inc, at (419) 472-8377 Deaf Resource Center at (419) 243-1111
Visually Impaired Individuals	The Sight Center at (419) 241-1183
Other Language Needs	The International Institute at (419) 241-9178

In addition to LAL staff, Managing and Supervising Attorneys are authorized to contact the above interpreters to provide assistance when necessary. If the above interpreters cannot provide the translation assistance needed, Managing and Supervising Attorneys may contact LanguageLine (1-800-752-0093, ext. 196) for assistance.

The advocate assigned to the case shall document in the client file that ABLE and LSNO provided communication assistance. The documentation shall include the name, address, and telephone number of the interpreter and a brief statement of what the interpreter helped to communicate to the LEP, hearing impaired, or visually impaired person. (E.g., the legal problem, options to address the legal problem, what the advocate will do, ABLE or LSNO policies, disposition of the case). The client file shall contain an English language translation of any materials provided to a client or potential client in a language other than English.

ABLE and LSNO will ensure that staff members use only interpreters who have demonstrated proficiency in both English and the other language and have knowledge of the skills and ethics of interpreting.

Communicating in the client's primary language is a critical element for establishing an effective professional relationship. Accordingly, staff are encouraged to develop and to refine such language skills whenever possible and to use those skills that exist within the programs.

Use of Family Members or Friends to Translate

ABLE and LSNO staff members **shall not** rely on family members or friends of a LEP, hearing impaired, or visually impaired individual to provide translation assistance unless the individual specifically requests to use such persons **after** ABLE or LSNO has offered to provide an interpreter or other communication assistance. The staff members shall document in the client file the offer to provide this assistance and the individual's response to that offer. The documentation must include:

- The name, address, and telephone number of the individual providing the translation or other communication assistance;
- The relationship of the client or potential client to the person providing translation or other communication assistance;
- Confirmation that the individual providing such assistance is not a minor;
- A brief statement of what the interpreter helped to communicate; and
- A statement that the client was advised that using a translator not retained by ABLE or LSNO may constitute a waiver of the attorney client privilege.

Staff members must document in a LEP, hearing impaired, or visually impaired client's file each individual offer of assistance. For LEP, hearing impaired, or visually impaired persons who are not yet clients, each office shall maintain a record of such offers of assistance.

If an LEP, hearing impaired, or visually impaired person elects to use a family member or friend, but a ABLE or LSNO staff member believes that the use of this family member or friend could compromise the effectiveness of services or violate the LEP, hearing impaired, or visually impaired person's confidentiality, the staff member may still suggest that a trained interpreter sit in on the interview or meeting to ensure accurate interpretation. **Under no circumstance** should an ABLE or LSNO staff member ask a person to bring their own interpreter, or use another ABLE or LSNO client to interpret.

Written Materials

ABLE and LSNO community legal education materials shall be translated into the appropriate language(s) when the number of individuals in a particular LEP group equals 10% or more of the population of ABLE and LSNO's service area or 3000 (whichever is less). Other generally applicable documents may be translated into the appropriate language(s) when the number of individuals in a particular LEP group equals 5% or more of the population of ABLE and LSNO's service area or 1000 (whichever is less). These documents include application forms, form letters, and notices about eligibility for assistance. For each language group with fewer than 1000 persons, ABLE and LSNO shall provide written notice (in the appropriate language) of the individual's right to receive oral interpretation of written materials in the primary language of the group.

ABLE and LSNO provide the following documents in English and Spanish:

- Authorization/Release of Information Form;
- Authorization/Release Medical Records Request Form;
- Authorization and Representation Form; and
- Notification of Eligibility and Client Grievance Form.

In addition, all ABLE and LSNO community legal education materials will be available in both English and Spanish.

ABLE and LSNO's Responsibility for Training and Compliance for LEP Policy

ABLE and LSNO will train all new employees during orientation and all employees who have client contact regarding LEP policy and procedures.

Information Regarding Availability of Interpretation and Translation Assistance

ABLE and LSNO will ensure that information is available in each office to the general public regarding the availability of interpreter services and the written materials available in non-English languages for LEP individuals. Informational materials shall indicate that the interpreter services and materials are available at no cost to current or prospective clients and shall describe in each language most commonly encountered other than English how an individual can request communication assistance. ABLE and LSNO intake workers and receptionists will use "I Speak" cards to enable clients and potential clients to identify their primary language.

Monitoring

ABLE and LSNO will monitor compliance with this policy by periodically assessing the current LEP needs of each field office's service area, the current communication needs of LEP, hearing impaired, and visually impaired applicants and clients, whether existing assistance is meeting the needs of such persons, whether staff members are knowledgeable about the LEP policy and procedures and how to implement them, and whether sources of and arrangements for assistance are still current and viable.

Grievance Procedure for LEP, Hearing Impaired, and Visually Impaired Persons

All LEP, hearing impaired, and visually impaired persons who are not satisfied with the language assistance provided by ABLE and LSNO may file a grievance under ABLE and LSNO's Client Grievance Procedure.